

ORDINANCE NO. O-166-2012

**AN ORDINANCE OF THE LAFAYETTE CITY-PARISH COUNCIL CREATING
LAND USE REQUIREMENTS FOR THE UNINCORPORATED AREAS OF THE
PARISH OF LAFAYETTE**

BE IT ORDAINED by the Lafayette City-Parish Council that:

WHEREAS, the Lafayette City-Parish Council has the right, power and authority to adopt ordinances requisite and necessary to promote, protect and preserve the general welfare, safety, health, peace and good order of the Lafayette City-Parish; and

WHEREAS, the Lafayette City-Parish Council, has determined that in order to facilitate and promote the harmonious development and growth in the unincorporated areas of the Parish of Lafayette, in a manner that provides for compatibility and minimizes land use conflicts, it is necessary to adopt a set of land use regulations for the unincorporated areas of Lafayette Parish.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City-Parish Council, that:

SECTION 1: All of the aforescribed "Whereas" clauses are adopted as part of these regulations.

SECTION 2: The following minimum standards regulate the use of land through effective site planning between uses that are different in character and/or magnitude in the unincorporated areas of the Parish of Lafayette.

Definitions: For purposes of these regulations the following terms shall have the following meanings:

ACCESSORY APARTMENT: A secondary, independent living facility located in, or on the same lot as, a single-family residence.

ACCESSORY BUILDING: A subordinate building or a portion of the main building on a lot, the use of which is customarily incidental, secondary, or minor to that of the main principal building.

ADJACENT: For the purpose of these regulations, the term "Adjacent" shall mean adjoining, abutting, touching, and sharing a common boundary.

AGRICULTURAL: The cultivating of soil, producing crops, and raising livestock; farming.

ARTERIAL: A Major or Minor Arterial as designated by the Lafayette Parish Consolidated Thoroughfare Plan (CTP).

BUFFER: A buffer is adjacent land, and is in addition to a greenbelt. Buffers provide distance between the development and another land use, and can be developed (with another land use), be vacant, be barren, be treed, or be agricultural, etc.

COUNCIL: The term Council herein shall mean the Lafayette City-Parish Council.

FENCE: An opaque barrier constructed of solid, rigid material. When required by these regulations, it shall:

- Have a minimum height of six feet;
- Be of uniform height, color and construction;
- Comply with wind load and other requirements of the current International Building Code; and
- Not contain any poster, graphics or advertising of any kind, except for one sign of the owner, lessee, operator or licensee of said premises, on each street frontage; sign shall not exceed 100 square feet in area.

GREENBELT: A belt of property that encircles the development. The greenbelt will be provided as part of the development tract and shall completely surround the area used for the land use, and shall be planted with one Class "A" or two Class "B" trees per fifty feet (50') of greenbelt.

INTERSTATE HIGHWAY: A road so designated by the Lafayette Parish Consolidated Thoroughfare Plan (CTP)

MAJOR COLLECTOR: A road so designated by the Lafayette Parish Consolidated Thoroughfare Plan (CTP).

PLANNING ADMINISTRATOR: An individual appointed by the Planning, Zoning & Codes Director. The administrator has no authority to waive any portion of these regulations. Final authority on all matters rest with the Lafayette City-Parish Council.

Land Governed

All land within the unincorporated area of Lafayette Parish, is governed by these regulations. In the event and at anytime that there is a change in the Land Use Type (LUT) in the unincorporated area of Lafayette Parish after the effective date of these regulations then such changed land use shall be subject to the provisions of these regulations.

The following districts are hereby established:

- A. Interstate Highway District: Land within 400 feet of an interstate highway right-of-way.
- B. Arterial District: Land within 200 feet of any arterial right-of-way.
- C. Major Collector District: Land within 100 feet of any major collector right-of-way.
- D. Rural District: Land that does not fall in one of the other districts and is not primarily agricultural in use.
- E. Agricultural District: Land that does not fall in one of the other districts and is primarily agricultural in use and designated by the Lafayette Parish Tax Assessor as agricultural in use.

Notwithstanding any language of these regulations to the contrary, the regulations set forth herein shall not apply to the issuance of a building or other permit for, or any approved construction of:

- A. Any detached single family residence located on its own individual legal lot together with any accessory building;
- B. Any apartment, condominium, or townhouse or other development of attached housing, consisting of fifteen (15) or less units;
- C. The location or placement of no more than four (4) mobile homes on one tract that otherwise meets applicable regulations for the location or placement of no more than four (4) mobile homes on one tract.

Land Use Types

All land within the unincorporated area of Lafayette Parish has an existing land use type, as defined in these regulations. For the purpose of these regulations, the following land use types are established ("Land Use Types"):

The following land uses are general in nature and not intended to be exclusive. In the event any regulated land use is not specifically set forth in the referenced Land Use Types, the Planning Administrator shall determine the actual Land Use Type for the regulated land use.

- A. *Single-Family Residential Land Use (SF)*: Land used for one or more detached single-family residential units, including vacant land in Planning Commission approved residential subdivisions. Also permitted are one accessory apartment, accessory use buildings (e.g., detached garage), bed and breakfast (with less than three guest rooms).
- B. *Multifamily Residential Land Use (MF)*: Land used for multifamily residential units including apartments, bed and breakfast (with three or more guest rooms), boarding house, college or university dormitory, condominiums, dwellings intended for two or more families, fraternity or sorority house, mobile home park (the requirements set forth in these regulations being in addition to the requirements of Ordinance No. O-151-2008, the Mobile Home Park Ordinance with respect to a mobile home park), townhouses, and public utility facilities.
- C. *Neighborhood Business Land Use (NB)*:
 - 1. Land used for a small-scale business that serves the daily needs of the surrounding neighborhoods, including a business or professional office, club or lodge (private), personal services, small retail, coffee and/or pastry shop, commercial child care facility, convenience store (excluding gasoline and diesel sales), drug store (with drive-thru for pharmaceutical products only), hamburger and/or sandwich shop, ice cream parlor, laundry (laundry and/or dry cleaning pick-up station or self-service),
 - 2. Open outside storage of goods and/or supplies is prohibited for this use
 - 3. A drive-through establishment is not included, except as noted above.
- D. *General Business Land Use (GB)*: Land used for regional shopping and community-wide services, including automobile and motorcycle sales and service, bar or lounge, business or professional college, drive-thru establishment, financial services, general retail, sales and repair services, hotel/motel, medical services, restaurant, travel trailer park, convenience store (with gasoline or diesel fuel sales), gasoline or diesel fuel sales (retail).
- E. *Civic Land Use (CV)*: Land used for civic or municipal, cultural, educational, recreational or religious purposes, including auditorium, cemetery/mausoleum, church and associated uses, library, noncommercial community center or similar use, museum, park or playground, public building, public recreational facility and school.
- F. *Industrial Land Use (ID)*: Land used for construction, industrial, manufacturing, warehousing or wholesale activities and air, rail and other transportation services not generally compatible with residential uses of any density or lower intensity commercial uses.
- G. *Intense Land Use (IT)*: Land used for such uses as asphalt and concrete batching plants, any type of borrow pit (sand, gravel, clay, dirt), waste disposal facilities and related services, dumping pits, incinerators, landfills, logging, pipe yards, prisons, recycling facilities, scrap, salvage and junk yards, and wrecker operator.
- H. *Agricultural Land Use (AG)*: Land that is primarily agricultural in use and designated by the Lafayette Parish Tax Assessor as agricultural in use.

Requirements, Restrictions and Responses

- A. These regulations shall apply to all proposed buildings and building additions or expansions when such addition or expansion exceeds the percentage indicated in the table below (collectively referred to herein as Development).

| BUILDING SIZE | PERCENT EXPANSION |
|------------------------------|-------------------|
| 0 to 2,000 square feet | 50 |
| 2,001 to 5,000 square feet | 35 |
| 5,001 to 10,000 square feet | 30 |
| 10,001 square feet or larger | 25 |

- B. It is the responsibility of the Development to minimize the conflict with adjacent property by providing greenbelts, buffers or other amenities as part of its development.
- C. The attached Conflict Matrix Charts that define the level(s) of conflict are incorporated herein. For the purpose of these regulations, the following responses to the conflict level types are established:

Conflict Level Chart

| | Greenbelt (Feet) | Buffer (Feet) | Fence Required |
|--------------------|---------------------|------------------|-------------------|
| Conflict Level 1: | 10 | 0 | No |
| Conflict Level 2: | 15 | 0 | Yes |
| Conflict Level 3: | 20 | 0 | Yes |
| Conflict Level 4: | 25 | 0 | Yes |
| Conflict Level 5: | 50 | 0 | Yes |
| Conflict Level 6: | 100 | 0 | Yes |
| Conflict Level 7: | 150 | 200 | Yes |
| Conflict Level 8: | 200 | 400 | Yes |
| Conflict Level 9: | 300 | 600 | Yes |
| Conflict Level 10: | 400 | 1320 | Yes |

- D. Development or applicable expansion must also meet any and all other applicable federal, state and local laws, statutes, ordinances, rules and/or regulations which are then in effect and which may pertain to such development.
- E. The conflict level of any business or other establishment operating between the hours of 8:00 p.m. and 6:00 a.m. shall be increased by one.
- F. When considering the Conflict level, in the event an adjacent property has multiple land use types (as defined herein), then the land use type having the highest conflict level for the purpose of these regulations shall be the land use type used for the adjacent property when applying the Conflict Matrix Chart.
- G. Compliance with these regulations does not negate the requirements of subdivision regulations. It is the responsibility of the developer to meet these regulations.

Administration by the Planning Administrator

- A. Before a building permit will be issued for any building or Development or before a Development can begin construction or operation or otherwise engage in a land use regulated herein, the developer must first furnish documentation to the Planning Administrator that is reasonably necessary to evaluate the Development with respect to these regulations.
- B. Based on the information submitted, the Planning Administrator will prepare a letter documenting the Development's conflict level(s) to the developer ("Evaluation Letter").
- C. If the developer wishes to appeal the decision of the Planning Administrator or request a waiver of any provision of these regulations, the developer shall document the appeal or waiver request and submit the appeal or waiver request to the Planning Administrator no more than five (5) days from the date of the Evaluation Letter. The Planning Administrator shall enter the appeal or waiver request on the next appropriate Council agenda as determined by the Clerk of the Council. The decision of the Council shall be final.
 - 1. In the event a waiver/variance has been properly and timely requested in accordance with these regulations then the Planning Administrator shall notify all owners of property located adjacent to and within 300 feet of the proposed Development. Such notice shall be provided by first class mail to the address of said owners as they appear on the parish assessment rolls, not less than ten days before the date fixed for the hearing.
 - 2. The request for any waiver, variance or appeal shall include an appeal fee of \$250.00
- D. No building permit will be issued until the Development is in compliance.
- E. Notwithstanding anything contained herein to the contrary, any proposed land use falling within the General Business Land Use (GB), Industrial Land Use (ID) and the Intense Land Use (IT) types, including but not limited to a power plant, bar/lounge, dancehall, carwash, pawnshop, cell tower, travel trailer park, restaurant and/or truck stop shall be a conditional land use permitted only after review and approval (subject to conditions imposed thereon) by the Council. In the case of an application for a conditional land use the Planning Administrator shall:
 - 1. Within 5 days from the submittal of the application enter the request for Council review on the next appropriate Council agenda as determined by the Clerk of the Council.
 - 2. Notify all owners of property located adjacent to and within 300 feet of the proposed Development. Such notice shall be provided by first class mail to the address of said owners as they appear on the parish assessment rolls, not less than ten days before the date fixed for the hearing.

Notification

At such time that the Planning Administrator receives a request to review a Development pursuant to these regulations, the Planning Administrator shall:

- A. Require the person requesting the review to erect, at such person's cost and expense, a sign on the Development property in conformance with Exhibit A within twenty feet (20') of any Public or Private Street. Such sign(s) shall be erected by the person requesting the review within 72 hours of an application submittal to the Planning Administrator. Such sign(s) shall remain up for a minimum period of fourteen (14) calendar days from the date of erection.
- B. Publish a notice of the proposed Development in the official journal of general circulation of the Lafayette Consolidated Government one time within the fourteen (14) day period except in the case of Council review of a proposed conditional land use.

In the event the person requesting the review does not erect the appropriate sign within the 72 hour period the application submittal shall be considered terminated and all fees forfeited. Any further request for review shall be considered a new request with required payment of fees.

Fees

The following fees shall apply to the Processes set forth in these Regulations:

- | | |
|-------------------------------|--|
| A. Application for evaluation | \$ 500.00 |
| B. Ad Fee | Ad Fee may vary see Planning Administrator for cost. |
| C. Appeal Fee | \$250.00 |

Temporary Exemption

Any Development which is to be an asphalt and/or concrete batching plant with a temporary location to service the construction of a road or highway project will be exempted from the provisions of these regulations at its temporary location but only for the duration of the construction project which it is servicing. After the completion of the construction project, should said asphalt and/or concrete batching plant remain at said location, it must then comply with all of the applicable terms and provisions of these regulations. Furthermore, this exemption shall apply only to the temporary location of the batching plant which is servicing the highway and/or road construction project and any other location owned or operated by the same owner or operator of the temporary asphalt and/or concrete batching plant will be subject to all applicable terms and conditions of these regulations.

Violation of Ordinance

- A. *Fine*: Any persons, firm or corporation violating any provision of these regulations, shall be subject to a fine of not more than \$500.00, or imprisonment for not more than 30 days or both, for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
 - 1. *Notice to abate*: When a violation of these regulations is found to exist, the Planning, Zoning & Codes Director shall take such actions as necessary to bring the Development into compliance including but not limited to the provisions of Ordinance number O-050-2008.
- B. *Responsibility for violations by firms*: Each of the owners or partners of a partnership, joint venture or association shall be held individually responsible and punishable for any violation by the entity of the provisions of these regulations.
- C. *Responsibility for violations by corporations*: For the purpose of enforcing the provisions of these regulations, a corporation shall be deemed to be represented by its president or in his absence by its vice president, or in the absence of both, by the officer or individual in charge of the affairs of the corporation. Any such representative shall be held responsible and punished for any violation by the corporation of the provisions of these regulations.

SECTION 3: Savings Clause – Each section, part and/or provision of this ordinance shall be considered severable. If, for any reason, any section, part or provision is determined to be invalid or contrary to any law or regulation, such determination shall not impair the operation of or have any other effect upon the remaining sections, portions or provisions of this ordinance and any such portion or provision not so invalidated shall be given full force and effect and the invalid part or provision shall be deemed not to be a part of the ordinance.

SECTION 4: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 5: This ordinance shall become effective upon signature of the Lafayette City-Parish President, the elapse of ten (10) days after receipt by the Lafayette City-Parish President without signature or veto, or upon an override of a veto, whichever occurs first.

* * * * *

CONFLICT MATRIX CHART

| INTERSTATE HIGHWAY DISTRICT | | | | | | | | | |
|--|----|----------|----|----|---------------------|----|----|----|----|
| | | EXISTING | | | | | | | |
| | | SF | MF | NB | GB | CV | ID | IT | AG |
| NEW | SF | NC | NC | NC | NC | NC | NC | NC | NC |
| | MF | 1 | NC | NC | 1 | 2 | 4 | 5 | 1 |
| | NB | 2 | 2 | NC | NC | 1 | 3 | 4 | 1 |
| | GB | 3 | 2 | 1 | NC | 1 | 2 | 4 | 2 |
| | CV | 2 | 2 | 1 | 1 | NC | 1 | 4 | NC |
| | ID | 6 | 5 | 4 | 3 | 4 | NC | 3 | 1 |
| | IT | 10 | 10 | 10 | 10 | 10 | 9 | NC | 9 |
| | AG | 4 | 4 | 3 | 3 | 2 | 2 | 1 | NC |
| SF - Single Family Residential Land Use MF - Multi-Family Residential Land Use NB - Neighborhood Business Land Use GB - General Business Land Use CV - Civic Land Use ID - Industrial Land Use IT - Intense Land Use AG - Agricultural Land Use | | | | | Architectural Notes | | | | |

CONFLICT MATRIX CHART

| ARTERIAL DISTRICT | | | | | | | | | |
|--|----|----------|----|----|---------------------|----|----|----|----|
| | | EXISTING | | | | | | | |
| | | SF | MF | NB | GB | CV | ID | IT | AG |
| NEW | SF | NC | NC | NC | NC | NC | NC | NC | NC |
| | MF | 1 | NC | NC | 1 | 2 | 4 | 5 | 1 |
| | NB | 2 | 2 | NC | NC | 1 | 3 | 4 | 1 |
| | GB | 3 | 3 | 1 | NC | 1 | 2 | 4 | 2 |
| | CV | 2 | 2 | 2 | 2 | NC | 1 | 4 | NC |
| | ID | 6 | 5 | 4 | 3 | 4 | NC | 3 | 1 |
| | IT | 10 | 10 | 10 | 10 | 10 | 9 | NC | 9 |
| | AG | 4 | 4 | 3 | 3 | 2 | 2 | 1 | NC |
| SF - Single Family Residential Land Use MF - Multi-Family Residential Land Use NB - Neighborhood Business Land Use GB - General Business Land Use CV - Civic Land Use ID - Industrial Land Use IT - Intense Land Use AG - Agricultural Land Use | | | | | Architectural Notes | | | | |

CONFLICT MATRIC CHART

| MAJOR COLLECTOR DISTRICT | | | | | | | | | |
|--|----|----------|----|----|---------------------|----|----|----|----|
| | | EXISTING | | | | | | | |
| | | SF | MF | NB | GB | CV | ID | IT | AG |
| NEW | SF | NC | NC | NC | NC | NC | NC | NC | NC |
| | MF | 1 | NC | NC | 1 | 2 | 4 | 5 | 1 |
| | NB | 2 | 1 | NC | NC | 1 | 3 | 4 | 2 |
| | GB | 4 | 3 | 2 | NC | 1 | 3 | 4 | 2 |
| | CV | 2 | 2 | 2 | 2 | NC | 1 | 4 | 1 |
| | ID | 6 | 5 | 4 | 3 | 4 | NC | 4 | 3 |
| | IT | 10 | 9 | 9 | 9 | 10 | 7 | NC | 7 |
| | AG | 4 | 4 | 3 | 3 | 2 | 2 | 1 | NC |
| SF - Single Family Residential Land Use MF - Multi-Family Residential Land Use NB - Neighborhood Business Land Use GB - General Business Land Use CV - Civic Land Use ID - Industrial Land Use IT - Intense Land Use AG - Agricultural Land Use | | | | | Architectural Notes | | | | |

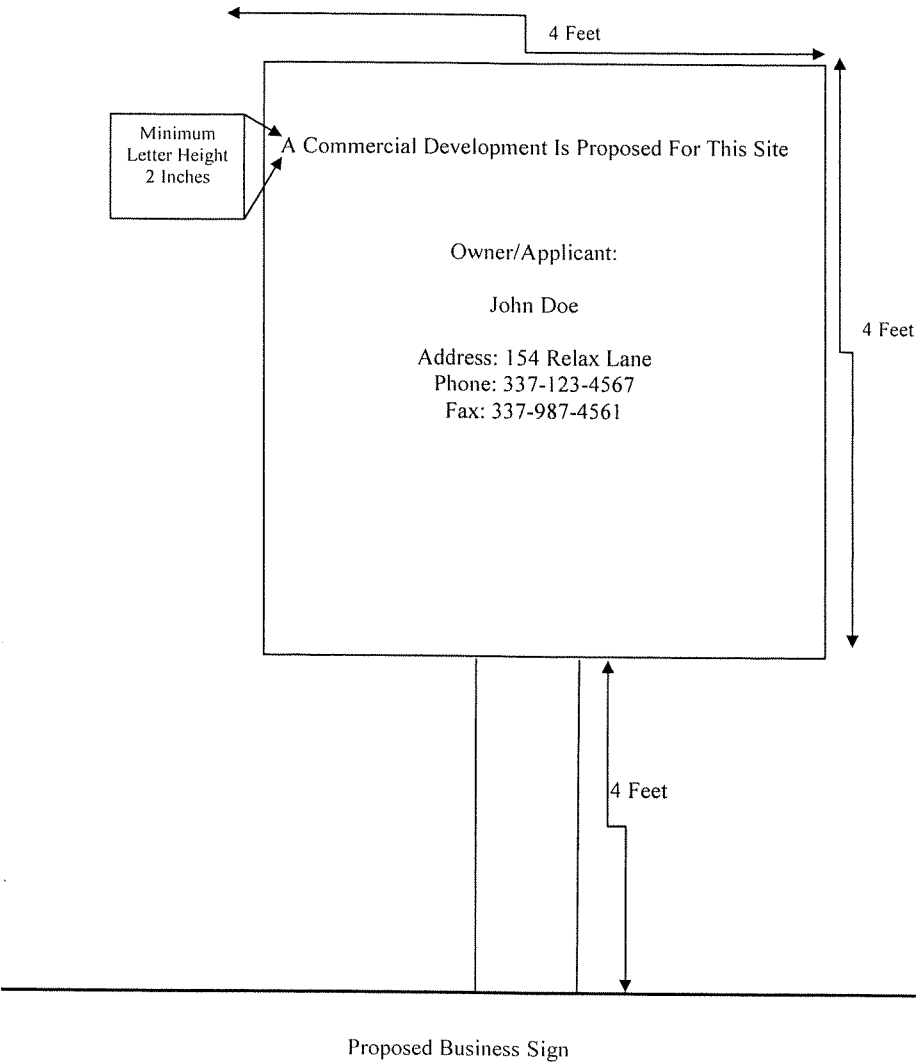
CONFLICT MATRIX CHART

| RURAL DISTRICT | | | | | | | | | |
|--|----|----------|----|----|---------------------|----|----|----|----|
| | | EXISTING | | | | | | | |
| | | SF | MF | NB | GB | CV | ID | IT | AG |
| NEW | SF | NC | NC | NC | NC | NC | NC | NC | NC |
| | MF | 1 | NC | NC | 1 | 2 | 4 | 5 | NC |
| | NB | 2 | 1 | NC | NC | 1 | 3 | 4 | NC |
| | GB | 4 | 3 | 2 | NC | 2 | 3 | 4 | NC |
| | CV | 2 | 2 | 2 | 2 | NC | 1 | 4 | NC |
| | ID | 6 | 5 | 4 | 3 | 4 | NC | 4 | NC |
| | IT | 10 | 9 | 9 | 9 | 9 | 7 | NC | NC |
| | AG | 4 | 4 | 3 | 3 | 2 | 2 | 1 | NC |
| SF - Single Family Residential Land Use MF - Multi-Family Residential Land Use NB - Neighborhood Business Land Use GB - General Business Land Use CV - Civic Land Use ID - Industrial Land Use IT - Intense Land Use AG - Agricultural Land Use | | | | | Architectural Notes | | | | |

CONFLICT MATRIC CHART

| AGRICULTURAL DISTRICT | | | | | | | | | |
|--|----|----------|----|----|---------------------|----|----|----|----|
| | | EXISTING | | | | | | | |
| | | SF | MF | NB | GB | CV | ID | IT | AG |
| NEW | SF | NC | NC | NC | NC | NC | NC | NC | NC |
| | MF | NC | NC | NC | NC | NC | NC | NC | 1 |
| | NB | NC | NC | NC | NC | NC | NC | NC | 2 |
| | GB | NC | NC | NC | NC | NC | NC | NC | 2 |
| | CV | NC | NC | NC | NC | NC | NC | NC | 1 |
| | ID | NC | NC | NC | NC | NC | NC | NC | 3 |
| | IT | NC | NC | NC | NC | NC | NC | NC | 7 |
| | AG | NC | NC | NC | NC | NC | NC | NC | NC |
| SF - Single Family Residential Land Use MF - Multi-Family Residential Land Use NB - Neighborhood Business Land Use GB - General Business Land Use CV - Civic Land Use ID - Industrial Land Use IT - Intense Land Use AG - Agricultural Land Use | | | | | Architectural Notes | | | | |

EXHIBIT A





Internal Memorandum

Planning, Zoning and Codes Department
Director's Office (9010)

TO: Councilman Jay Castille
Councilman Kevin Naquin

THRU: Dee Stanley

FROM: Eleanor L. Bouy

SUBJECT: Parish Land Use Ordinance

DATE: July 24, 2012

Dear Councilmen,

Enclosed is the final draft of a Parish Land Use Ordinance as per your request.

My office will be glad to provide any additional assistance you require.

Sincerely,

A handwritten signature in cursive script that reads "Eleanor L. Bouy".

Eleanor L. Bouy
Director

ELB/sab

Enclosure

c: Richard Becker
Mike Hebert
Sara Fawcett-Gary
Jim Parker
Larry Manuel

LAFAYETTE CITY-PARISH COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

- 1) JUSTIFICATION FOR REQUEST: To adopt an ordinance to regulate land use in the unincorporated areas of the Lafayette Parish.

- 2) ACTION REQUESTED: Adoption of Ordinance

- 3) REQUESTED ACTION OF LAFAYETTE CITY-PARISH COUNCIL:
A) INTRODUCTION: 08/07/12
B) FINAL ADOPTION: 08/28/12

- 4) DOCUMENTATION INCLUDED WITH THIS REQUEST:
A) Ordinance
B) Submittal Form
C) Memo

- 5) FISCAL IMPACT:
 Fiscal Impact (Explain)
 No Fiscal Impact

AUTHORED BY:

/s/ Jay Castille /s/ Kevin Naquin
Council District 2 Council District 1

DISPOSITION OF ORDINANCE NO. O-166-2012

1. This ordinance was introduced: Final disposition by Council:
August 7 2012 _____, 2012
YEAS: K. Naquin, Castille, Shelvin, YEAS:
Boudreaux, A. Naquin, Bertrand, Patin,
Theriot
NAYS: None NAYS:
ABSENT: Bellard ABSENT:
ABSTAIN: None ABSTAIN:

AMENDMENT:

2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on August 10, 2012.
3. This ordinance was presented to the President for his approval on _____, 2012 at _____ o'clock _____.m.

CLERK OF THE COUNCIL
4. Disposition by President:
I hereby:
A. Approve this ordinance, the _____ day of _____, 2012, at _____ o'clock _____.m.
B. Veto this ordinance, the _____ day of _____, 2012, at _____ o'clock _____.m., veto message is attached.
C. Line item veto certain items this _____ day of _____, 2012 at _____ o'clock _____.m., veto message is attached.

PRESIDENT
5. Returned to Council office with/without veto message on _____, 2012, at _____ o'clock _____.m.
6. Reconsideration by Council (if vetoed):
On _____, 2012, the Council did/refused to adopt this ordinance after the President's veto.

CLERK OF THE COUNCIL
7. Full Publication:
Full publication of this ordinance was made in the Advertiser on _____, 2012.

NOTE: If no approval nor veto of President appears, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.